

REMARKS

I. Examiner Interview

Applicants' attorney appreciates the Examiner's courtesy in speaking with him on May 29, 2008, regarding the outstanding Final Office Action. The interview included discussion of the § 103 rejection of claim 1 made by the Examiner. Applicants submit that the comments below reflect the substance of the interview.

II. Status

Claims 1 and 14 have been amended for clarification purposes. No new matter has been added as a result. Support for the amendments can be found on at least page 4, lines 22-30; page 6, lines 8-29; page 7, lines 7-21; and page 9, lines 8-16 of the Applicants' specification as well as Figure 2. Accordingly, claims 1-27 are currently pending.

III. Rejections Under 35 U.S.C. § 103

Claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koller, et al. (Virtual GIS: A Real-Time 3D Geographic Information System) in view of Radcliffe, et al. (Official Strategies and Secrets: Microsoft Flight Simulator 2004, A Century of Flight).

Claim 1 and Dependents

Claim 1 recites, *inter alia*, "a map database containing data that represent roads in a real-world geographic locale, the data including navigation-related attributes, such as turn restriction content, for navigation on the roads in the real-world geographic locale" and "an application programming interface program configured for running on the computer platform, for accepting requests for data from the game engine program, for accessing the data from the map database, and for providing data in a suitable format to the game engine program." The combination of the cited references does not teach or suggest at least these features.

Koller, et al. disclose a virtual GIS system that provides means for visualizing terrain models consisting of elevation and imagery data, along with GIS raster layers, protruding features, buildings, vehicles, and other objects. (Koller, et al.,

page 94, Abstract). Virtual GIS is implemented using the Simple Virtual Environment (“SVE”) toolkit that provides mechanisms and software tools for developing virtual environment applications. (Koller, et al., page 95, first paragraph under *2 The Virtual GIS System*). Each datasets used with Virtual GIS may contain several types of information such as terrain surfaces that are visualized as a mesh of shaded or textured polygons. (Koller, et al., page 95, first paragraph under *2.2 Datasets*). Additional non-protruding features may be overlaid on the surface, such as graphical representations of roads and waterways. (Koller, et al., page 95, first paragraph under *2.2 Datasets*). For example, phototexture aerial photo imagery may be overlaid, and GIS raster layer data corresponding to the terrain area may also be included in a dataset. (Koller, et al., page 95, second paragraph under *2.2 Datasets*).

The Examiner admits that Koller, et al. do not disclose a game engine program. (Office Action, page 3). However, the Examiner asserts that combining the teachings of Koller, et al. with Radcliffe, et al. would have disclosed the claimed features. (Office Action, page 3). Radcliffe, et al. disclose features of Microsoft Flight Simulator 2004.

Even if one of ordinary skill in the art would have combined the datasets disclosed by Koller, et al. with the teachings of Radcliffe, et al., all of the claimed features are not taught or suggested. For example, there is no teaching or suggestion of a map database containing navigation-related attributes for navigation on roads in a real-world geographic locale. Koller, et al. merely disclose overlaying graphical representations of roads or phototexture aerial photo imagery on a mesh to provide visualization of a terrain surface. However, such image data do not include *navigation-related attributes* for real-world road navigation. Mere raster data or image data of some roads do not provide navigation attributes, such as turn restriction content, speed limit information, and other attributes, of a road network to perform navigation-related functions, such as route calculation, route guidance, destination time, and other functions, on real roads.

Koller, et al. mention navigation techniques in the virtual world. (Koller, et al., page 96, second paragraph under *2.3 System Features*). However, the techniques involve overlaying a coordinate grid onto the terrain or using a popup overview map with markers that show the position of the user in the virtual environment.

Overlaying a grid or using markers in the virtual environment is not the same as having data suitable for navigation-related functions for vehicle navigation on roads in a real-world geographic locale. The grid or markers merely aid in positioning within the virtual environment but would not provide information or attributes for performing navigation-related functions for driving on the real-world roads. The GIS data disclosed is not used in real-world navigation systems for road networks.

Furthermore, the combined references do not teach or suggest an *application programming interface program* configured for accessing data from a map database and for providing data in a suitable format to the game engine program. Radcliffe, et al. do not mention an application programming interface program. The Examiner asserts that an application programming interface program would be inherent in Microsoft Flight Simulator 2004 for game requests. However, “the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” (MPEP § 2112, part IV). Microsoft Flight Simulator 2004 may bring up or access image data using a technique that does not implement an application programming interface program.

Also, Microsoft Flight Simulator 2004 may access layered composite image data, not data from a map database, to provide a play scenario. For example, even if the teachings of Koller, et al. would have been combined with the teachings of Radcliffe, et al., the developers of Microsoft Flight Simulator 2004 would use the datasets disclosed by Koller, et al. by building on top of them to design the gaming environment. Therefore, Microsoft Flight Simulator 2004 may merely access the final multilayered image data rather than data from a map database. There is no teaching or suggestion of an *application programming interface program* configured for accessing the *data* from a *map database* in a game setting, let alone accessing data including navigation-related attributes, such as turn restriction content, for navigation on the roads in the real-world geographic locale.

Accordingly, claim 1 is allowable for at least these reasons. Claims 2-13 depend, directly or indirectly, from allowable claim 1 and, therefore, are allowable for at least the same reasons.

Claim 14 and Dependents

Claim 14 recites features similar to the features of claim 1 described above. The arguments made in regards to claim 1 appropriately apply to claim 14 as well. Furthermore, claim 14 recites, *inter alia*, “using the application programming interface program to access the geographic data from a map database, the geographic data derived from a database suitable for vehicle navigation on roads in a real-world geographic locale.” The combination of the cited references does not teach or suggest at least these features.

Neither Koller, et al. nor Radcliffe, et al. disclose a database suitable for real-world vehicle navigation, let alone data *derived* from a database suitable for *vehicle navigation on roads* in a *real-world* geographic locale. The datasets of Koller, et al. including graphical representations of roads or phototexture aerial photo imagery are not the same as data derived from a database that is used for vehicle navigation-related functions, such as route calculation, route guidance, destination time, and other functions, on real roads.

Accordingly, claim 14 is allowable for at least these reasons. Claims 15-27 depend, directly or indirectly, from allowable claim 14 and, therefore, are allowable for at least the same reasons.

Furthermore, one or more of the dependent claims recite features that are independently allowable. For example, claims 9 and 23 recite, *inter alia*, an application programming interface program that provides for spatial queries of data from the map database. Neither of the cited references teaches or suggests *spatial queries* of data from a *map database*.

IV. Summary

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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